



**THE CITY OF NEW YORK  
LAW DEPARTMENT**

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May 9, 2016

**BY E.C.F.**

Honorable Naomi R. Buchwald  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: Tommy Simmon v. City of New York, et al.  
15 Civ. 3489 (NRM)

Your Honor:

I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, and the attorney for defendant City of New York in the above-referenced matter. Defendant submits this joint letter on behalf of both parties to provide an update on the status of the investigation into the incident alleged in the Amended Complaint, and to respectfully request that the Court extend the stay in this matter an additional sixty days, until July 8, 2016.

By way of background, on June 4, 2015, the parties submitted a joint request to stay this matter pending the open investigations conducted by the Bronx County District Attorney's Office, the Inspector General's Office, and the Investigation Division of the New York City Department of Correction regarding the incident alleged in the Amended Complaint. (Docket Entry No. 5.) On June 8, 2015, the Court endorsed this request. (Docket Entry No. 6.) This matter has remained stayed pending the final resolution of ongoing investigations by these three agencies.

By letter dated March 10, 2016, the parties informed the Court that the Bronx District Attorney's Office had concluded its investigation and would not prosecute any of the correction officers involved, and that the Inspector General's Office had no active investigation in this matter. (Docket Entry No. 17.) However, the Investigation Division of the New York City Department of Correction still has an active and open investigation. Once the Bronx District Attorney's Office decided not to proceed with prosecution, the Department of Correction referred this matter to the United States Attorney's Office for the Southern District of New York

prior to commencing its own investigation. The United States Attorney's Office has recently informed the Department of Correction that it would not pursue prosecution. Thus, the Department of Correction's Investigative Division has only now just begun its investigation into this matter.

Accordingly, the parties respectfully request that the Court extend the stay in this matter an additional sixty days, until July 8, 2016, to allow the Investigation Division of the Department of Correction to conclude its investigation. Should the parties learn that this agency has concluded its investigation prior to July 8<sup>th</sup>, the parties will promptly notify the Court.

On behalf of both parties, Defendant City thanks the Court for its time and consideration of this request.

Respectfully submitted,

/s/

Matthew Bridge  
*Assistant Corporation Counsel*  
Special Federal Litigation Division

cc: **BY E.C.F.**  
Kaitlin Fleur Nares, Esq.  
*Attorney for Plaintiff*